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Mr. Sean Fields
#FR 5692
10745 Rt. 18
Albion, PA 16475-0002

November 7, 2017

Mr. Jerry Tyskiewicz, Director
Open Records Officer
Department of Administrative Services
202 Courthouse
436 Grant Street
Pittsburgh, PA 15219

In re: OOR Dkt. AP 2017-1825; Sean Fields v. Allegheny County

Dear Mr. Fields and Director Tyskiewicz:

I am the Open Records Appeals officer for Allegheny County. On November 6, 2017 I received a referral from the Office of Open Records in the referenced case. The parties are familiar with the procedure and the reason why this appeal was sent to me. On September 12, 2017 Mr. Fields requested the following:

A copy of Dr. Robert Levine's Ballistic Report of case #028095 (7) shell casing specifically the microscope comparison of those (7) shell casing commonly known as Breach slide comparison[.]

In denying the request Mr. Tyskiewicz wrote that “[a]ny information relating to or resulting in a criminal investigation is exempt from disclosure as permitted by Section 708 (b) (16) of the RTKL.” (See letter dated September 20, 2017).

As the Office of Open Records explained in *Jones v. Pennsylvania Game Commission*, OOR Dkt. AP 2009-0196 records pertaining to a closed criminal investigation remain protected because Section 708(b)(16) expressly protects records relating to the result of a criminal investigation and thus remain protected even after the investigation ends. See also, *State Police v. Office of Open Records*, 5 A.3d 473 (Pa. Cmwlth. 2010); *Sherry v. Radnor Twp. School District*, 20 A.3d 515 (Pa. Cmwlth. 2011).

As a result, I must decline Mr. Field’s request and affirm Allegheny County’s denial of access. Please be advised that pursuant to Section 65 P.S. §67.1302 the parties have 30 days to appeal my decision to the Court of Common Pleas of Allegheny County.

Very truly yours,

Michael W. Streily
Deputy District Attorney
Open Records Appeals Officer